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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,391	09/27/2001	Akihiro Kawamura	3377-0130P	9469
2292 7590 05/03/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER SAADAT, CAMERON	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 05/03/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

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**Office Action Summary**

Application No.

09/963,391

Applicant(s)

KAWAMURA, AKIHIRO

Examiner

Cameron Saadat

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --****Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/10/2007 has been entered. Claims 1-16 are pending in this application.

#### *Claim Objections*

Claims 1, 8, and 15 are objected to because of the following informalities. It is the examiner's opinion that the clarity and precision of the claim language can be improved by replacing "measuring user's speed" with --measuring the user's speed --, in order to clarify the antecedent basis.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-5, 7-12, and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (USPN 6,409,513; hereinafter Kawamura) in view of Matsunaga et al. (USPN 6,044,420; hereinafter Matsunaga).**

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

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Regarding claims 1, 8, and 15, Kawamura discloses an information providing device for providing reading exercises from a plurality of exercises, requiring a user to deal with characters or groups of characters within a predetermined time (words/minute), comprising: a storage means for storing data on the number of characters or groups of characters which is required in each of the exercises in terms of words per minute (Col. 8, lines 49-55); a measuring means for measuring the user's predetermined ability to deal with characters by measuring the user's speed of recording specific predetermined sentences that form a paragraph (See Col. 6, lines 43-48; Col. 9, lines 54-67); a retrieval means for retrieving the data which can be dealt with by the basic ability measured by the measuring means within the predetermined time (Col. 10, lines 20-32; Col. 12, lines 3-5, 20-22); and an output means for outputting information on the exercise corresponding to the data retrieved by the retrieval means (See Figs. 13, 19, and 21). Kawamura does not explicitly disclose the feature of storing data on the number of characters required in each exercise for requiring a user to deal with characters individually within a predetermined time. Instead, Kawamura provides reading exercises having various words per minute requirements, which requires a user to read a predetermined number of words within a predetermined time. However, Matsunaga teaches a device for displaying characters and predicting the amount of time required for a reader to complete reading the characters based on the number of characters per unit of time. See Matsunaga, Col. 19, lines 10-16, 27-33. Thus, in view of Matsunaga, it would have been obvious to one of ordinary skill in the art to modify the reading exercises described in Kawamura, by analyzing reading speed in terms of characters per unit of time, instead of words per unit of time, in order to predict the amount of time a user will require to read characters in a native language or a modified amount of time a reader needs to read characters of a foreign language. See Matsunaga, Col. 19, lines 10-16, 27-33; Col. 20, lines 41-47.

Furthermore, with respect to claim 8, Kawamura does not explicitly disclose an information communication network. However, The examiner takes official notice that the use of an information communication network is old and well known in the art for providing training information to users located at remote locations in order to overcome geographical limitations. Hence, it would have been

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obvious to one of ordinary skill in the art to modify the computerized reading exercises described in Kawamura, by providing the exercises with an information communication network, in order to provide training information to users located at remote locations in order to overcome geographical limitations that require students to be in one specific location.

Regarding claim 2, Kawamura discloses a device wherein the output means is a display (Col. 4, lines 54-56).

Regarding claim 3, Kawamura discloses a device wherein the basic ability is an ability to read characters (Col. 12, lines 20-22).

Regarding claim 4, Kawamura discloses a device wherein the exercise is an examination held within an examination time (Col. 12, lines 3-5, 20-22).

Regarding claim 5, Kawamura discloses a device wherein the exercise is a preparation course for an examination (Col. 6, lines 22-38).

Regarding claims 7 and 16, Kawamura discloses a device further comprising a training means for providing the user with training on how to deal with characters: wherein the measuring means measures a user's predetermined ability to deal with characters after the training by the training means; wherein the retrieval means retrieves data which can be dealt with by the basic ability after the training measured by the measuring means within the predetermined time from among the data stored in said storage means; and wherein the output means outputs information on the exercise corresponding to the data retrieved after the training (Col. 6, lines 22-38).

Regarding claim 9, Kawamura discloses a device wherein the output means is a display (Col. 4, lines 54-56).

Regarding claim 10, Kawamura discloses a device wherein the basic ability is an ability to read characters (Col. 12, lines 20-22).

Regarding claim 11, Kawamura discloses a device wherein the exercise is an examination held within an examination time (Col. 12, lines 3-5, 20-22).

Regarding claim 12, Kawamura discloses a device wherein the exercise is a preparation course for an examination (Col. 6, lines 22-38).

Regarding claim 14, Kawamura discloses a device further comprising a training means for providing the user with training on how to deal with characters: wherein the measuring means measures a user's predetermined ability to deal with characters after the training by the training means; wherein the retrieval means retrieves data which can be dealt with by the basic ability after the training measured by the measuring means within the predetermined time from among the data stored in said storage means; and wherein the output means outputs information on the exercise corresponding to the data retrieved after the training (Col. 6, lines 22-38).

**Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura in view of Matsunaga, further in view of Tadlock et al. (USPN 6,869,287; hereinafter Tadlock).**

This holding, incorporated herein, is maintained from the prior action for the cited claims as amended. Response to the applicant's remarks are provided below and incorporated herein.

Regarding claims 6 and 13, the combination of Kawamura and Matsunaga discloses all of the claimed subject matter with the exception of explicitly disclosing that the exercise is a book having a returning limit lent by a library. However, Tadlock discloses a system and method for providing reading exercises, wherein the exercises include the feature of allowing a user to check out a book at his or her specified reading level in order to motivate the student to do independent reading (Col. 36, lines 37-47). Hence, in view of Tadlock, it would have been obvious to one of ordinary skill to modify the reading exercises described in the combination of Kawamura and Matsunaga, by providing exercises that include books from libraries, in order to allow a user to check out a desired book and thereby promote independent reading.

#### ***Response to Arguments***

Applicant's arguments filed 4/10/2007 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. Applicant must discuss the

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references applied against the claims, explaining how the claims avoid the references or distinguish from them.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is (571) 272-4443. The examiner can normally be reached on M-F 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Cameron Saadat  
Patent Examiner  
Art Unit 3714  
April 30, 2007